



AP/2171
JRW

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

16

Application Number	09/881,501
Filing Date	6/14/2001
First Named Inventor	Alpern, et al.
Art Unit	2171
Examiner Name	E.P. Leroux
Attorney Docket Number	oracle01.013

ENCLOSURES (Check all that apply)

- | | | |
|---|--|--|
| <input type="checkbox"/> Fee Transmittal Form
<input type="checkbox"/> Fee Attached
<input checked="" type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)
<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers
<input type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
<input type="checkbox"/> Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Return postcard |
|---|--|--|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Gordon E. Nelson, Patent Attorney, PC		
Signature	<i>Gordon E. Nelson</i>		
Printed name	Gordon E. Nelson		
Date	March 10, 2005	Reg. No.	30,093

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	<i>Gordon E. Nelson</i>		
Typed or printed name	Gordon E. Nelson	Date	3/10/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(oracle01.013)

5 **Applicant:** Alpern, et al. **Paper No.:** N/A

Application No: 09/881,501 **Group Art Unit:** 2171

Filed: 6/14/01 **Examiner:** E.P. Leroux

10 **Title:** *Redirection of misses in queryable caches*

.....

15 Commissioner for Patents
 Alexandria, VA 22313-1450

Response to a non-final Office action under 37 C.F.R. 1.116

Summary of the prosecution

20 Examiner mailed a first Office action in the above patent application on 9/26/03. In the Office action, Examiner rejected claim 1 under 35 U.S.C. 102 as anticipated by U.S. patent 6,487,641, Cusson, et al., *Dynamic caches with miss tables*, having an effective filing date of 12/2/99, U.S. patent 5,832,521 (henceforth "Cusson"), or Klots, et al, *Method and apparatus for performing consistent reads in multiple-server environments*, issued 11/3/98 (henceforth "Klots"), and rejected

25 claims 1 and 2 as anticipated by U.S. patent 5,974,129, Bodnar, *Distributed virtual cache method for use in a database query control system*, issued 10/26/99 (henceforth "Bodnar"). Examiner further rejected claim 3 under 35 U.S.C. 103 as unpatentable over Bodnar in view of Klots and claim 4 under 35 U.S.C. 103 as unpatentable over Bodnar and U.S. published patent application 2992/0124082, San Andres, et al., *Architecture and associated methods for providing users of a*

30 *distributed services with an interactive directory of network content*, having an effective filing date of 6/7/95 (henceforth "San Andres"). In a response filed 12/12/03, Applicants amended their claims to better express their increased understanding of the significance of their invention and to better protect their invention and demonstrated that the amended claims were fully supported by the Specification as filed and that they were patentable over the Klots and Bodnar references.

35 On 3/15/04, Examiner mailed a final Office action in which he employed three new references to reject all of the claims. Claims 5-7, 10-12, 15-16 and 19-22 were rejected under 35 U.S.C. 102(b)

as anticipated by U.S. patent 6,073,168, Mighdoll, et al., *Method for reducing delivery latency of an image or other secondary information associated with a file*, issued 6/6/2000, henceforth "Mighdoll". Claims 8, 13, 17, and 23 were rejected under 35 U.S.C. 103(a) as obvious in light of Mighdoll combined with U.S. patent 5,751,581, Tau, et al., *Material movement server*, issued 5/12/98, henceforth "Tau". Claims 9, 14, 18, and 24, finally, were rejected under 35 U.S.C. 103(a) as obvious in light of Mighdoll combined with U.S. patent application publication 2002/0091853 A1, Moore, et al. *Enhancing application performance in dynamic networks*, having a priority date of 1/5/2001, henceforth "Moore".

Applicants responded to the Office action of 3/15/04 on 3/29/04 by traversing the rejections. Examiner replied with an Advisory Action indicating that he would not allow the application and Applicants filed a Request for Continued Examination on 4/30/04. In the next Office action, mailed 6/18/04, Examiner objected to the *Abstract* as being too long and rejected all claims under 35 U.S.C. 102(b) as anticipated by U.S. Patent 6,009,271, Whatley, *Method of retrieving data from a relational database*, issued Dec. 28, 1999 (henceforth "Whatley") and under 35 U.S.C. 102(e) as anticipated by U.S. Patent 6,285,997, Carey, et al., *Query optimization with deferred update and autonomous sources*, filed Nov. 16, 1998 and issued Sept. 4, 2001. Applicants provided a new *Abstract* and traversed the rejections. Applicants further included an IDS with a new reference, Shaul Dar, et al., "Semantic data caching and replacement" in: *Proceedings of the 22nd VLDB Conference*, Mumbai (Bombay), India, 1996 (henceforth "Dar") with this response. Dar appeared to Applicants' attorney to be at least as relevant to Applicants' claims as any reference cited up to that point in the prosecution and the response also included a discussion of why Applicants' claims are patentable over Dar.

Examiner responded to Applicants' traversal of the rejections by mailing a second non-final Office action on 1/10/2005 (henceforth the "current office action"). In the current Office action, Examiner rejected claims 5-24 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement and claims 5-24 under 35 U.S.C. 112, second paragraph, as being vague and indefinite. Examiner further rejected claims 5-7, 10-16, and 19-24 under 35 U.S.C. 102(e) as anticipated by U.S. Pat. No. 6,243,715, Bogantz, et al., *Replicated database synchronization method . . .*, filed 11/9/98 (henceforth "Bogantz"), claims 8 and 17 as obvious over the combination of Bogantz and published U.S. patent application US 2002/065919, Taylor, et al., *Peer to peer caching network for*

user data, filed 11/20/00 (henceforth “Taylor”, and claims 9 and 18 under 35 U.S.C. 103(a) as obvious over the combination of Bogantz and U.S. Patent number 5,806,074, Souder, et al., *Configurable conflict resolution in a computer-implemented distributed database*, issued 9/8/98 (henceforth “Souder.”) Applicants are amending their claims to overcome the rejection under 35 U.S.C. 112, second paragraph and are traversing the rejections under 35 U.S.C. 112, first paragraph, 35 U.S.C. 102, and 35 U.S.,C. 103.

Please amend the claims as follows: